

Milwaukee Police Department
Police Administration Building
749 West State Street
Milwaukee, Wisconsin 53233
<http://www.milwaukee.gov/police>

April 19, 2019

MuckRock News
Attn: Beryl Lipton
Dept MR 69525, 411A Highland AV
Somerville, MA 02144-2516

Dear Beryl Lipton:

This letter is in response to your records request dated February 20, 2019, March 10, 2019 and March 25, 2019, in which you have made a request for records pursuant to the Wisconsin Public Records Law. Wis. Stat. §§ 19.31-39. You have requested:

- See Attached Request

The public policy in this state is to give the public the greatest amount of access to government records as possible. Wis. Stat. § 19.31. The general presumption is that government records are open to the public unless there is a clear statutory or common law exception. If there is no clear statutory or common law exception the custodian must "decide whether the strong presumption favoring access and disclosure is overcome by some even stronger public policy favoring limited access or nondisclosure." *Hempel v. City of Baraboo*, 2005 WI 120, § 28 (Citations omitted). Notwithstanding the presumption of openness, the public's right to access to public records is not absolute. *Journal/Sentinel v. Aagerup*, 145 Wis. 2d 818, 822 (Ct. App. 1988).

Upon review of your request and upon inspection of MPD's records, the records custodian has determined that there are no records that are responsive to your request. We are unable to locate any records regarding the existence of documents identified in this request with the information provided. Under Wisconsin law, a records custodian need not create a new record in response to a records request for a nonexistent record. Wis. Stat. § 19.35(1)(L).

This determination is subject to review by *mandamus* action under Wis. Stat. § 19.37(1), or upon an application to the Wisconsin Attorney General or the Milwaukee County Corporation Counsel.

Sincerely,

ALFONSO MORALES
CHIEF OF POLICE

KERRY NAMIN
POLICE SERGEANT

AM:JHP: jhp
J04372 Response Letter

Wisconsin Open Records Act Request: Facial recognition software and marketing - February 2019 (Milwaukee Police Department)

69525-38032478@requests.muckrock.com

Wed 2/20/2019 2:41 PM

To:Records, Open <mpdopenrecords@milwaukee.gov>;

Milwaukee Police Department
ORA Office
P.O. Box 531
Milwaukee, WI 53210

February 20, 2019

To Whom It May Concern:

Pursuant to the Wisconsin Open Records Act, I hereby request the following records:

Records and materials related to the solicitation, acquisition, and use of face recognition technology and related software and services.

This software or services may be provided by Rekognition, Face++, and FaceFirst; this request is applicable to these and any other company providing facial recognition services under consideration or contract with this agency.

Materials responsive materials include but are not limited to:

- Agreements: contracts (including non-disclosure agreements), licensing agreements, nondisclosure agreements
- Bid records: Requests For Proposal (or equivalent calls for bids), sole source or limited source justification and approval documentation, documentation of selection, and other materials generated in the consideration and selection of the technology in question
- Company relations and communications: records related to meetings or follow-up actions with any vendors, companies, or other private entities marketing face recognition to this agency for immigration, intelligence, law enforcement, or other use.
- Financial records: purchase orders, invoices, and other memoranda and documentation.
- Marketing records: All marketing materials - unsolicited, requested, or otherwise - acquired from vendors of face recognition technology
- Policy records: any policy directives, guidance documents, memoranda, training materials, or similar records governing the use of face recognition technology for immigration, law enforcement, or other purposes.
- Training records: training material governing the use, sharing, or access to any related data related to or collected by the face recognition software/technology, including the legal standard that is required before using the technology

JO4372



- Use and function records: Materials that describe the function of the software considered or in use by this agency, including emails, handouts, PowerPoint presentations, advertisements, or specification documents.

Please limit the search to records produced from January 1, 2017 – present. Please include in your search as responsive records: communications, memorandums, background papers, meeting minutes, email exchanges, or presentation materials. If your office has questions about this request, please feel free to direct them to the address associated with this request or call the MuckRock office at 617-299-1832.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days.

Sincerely,

Beryl Lipton

Filed via MuckRock.com

E-mail (Preferred): 69525-38032478@requests.muckrock.com

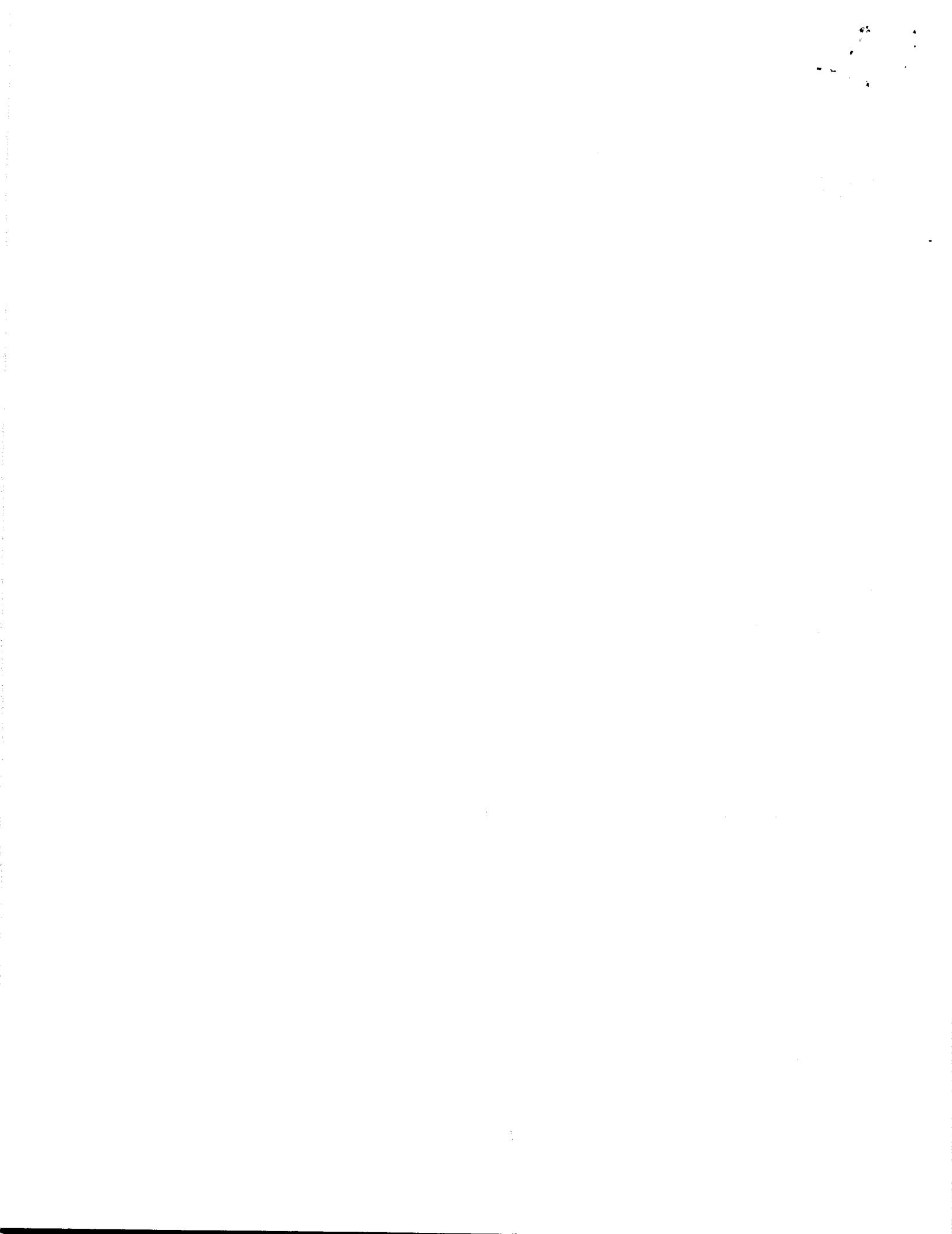
Upload documents directly: https://www.muckrock.com/accounts/agency_login/milwaukee-police-department-653/facial-recognition-software-and-marketing-february-2019-milwaukee-police-department-69525/?uuid-login=9251554a-715a-4168-b70a-74e901cab00c&email=mpdopenrecords%40milwaukee.gov#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 69525
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



RE: Wisconsin Open Records Act Request: Facial recognition software and marketing - February 2019 (Milwaukee Police Department)

69525-38032478@requests.muckrock.com

Sun 3/10/2019 11:01 AM

To:Records, Open <mpdopenrecords@milwaukee.gov>;

Milwaukee Police Department
ORA Office
P.O. Box 531
Milwaukee, WI 53210

March 10, 2019

This is a follow up to a previous request:

Hello!

Thanks so much for the message. I'll look forward to hearing from your office again.

Best wishes,
Beryl

Filed via MuckRock.com

E-mail (Preferred): 69525-38032478@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/milwaukee-police-department-653/facial-recognition-software-and-marketing-february-2019-milwaukee-police-department-69525/?email=mpdopenrecords%40milwaukee.gov&uuid-login=6409d3fd-dddb-49db-b2ef-3a2d4695400e#agency-reply

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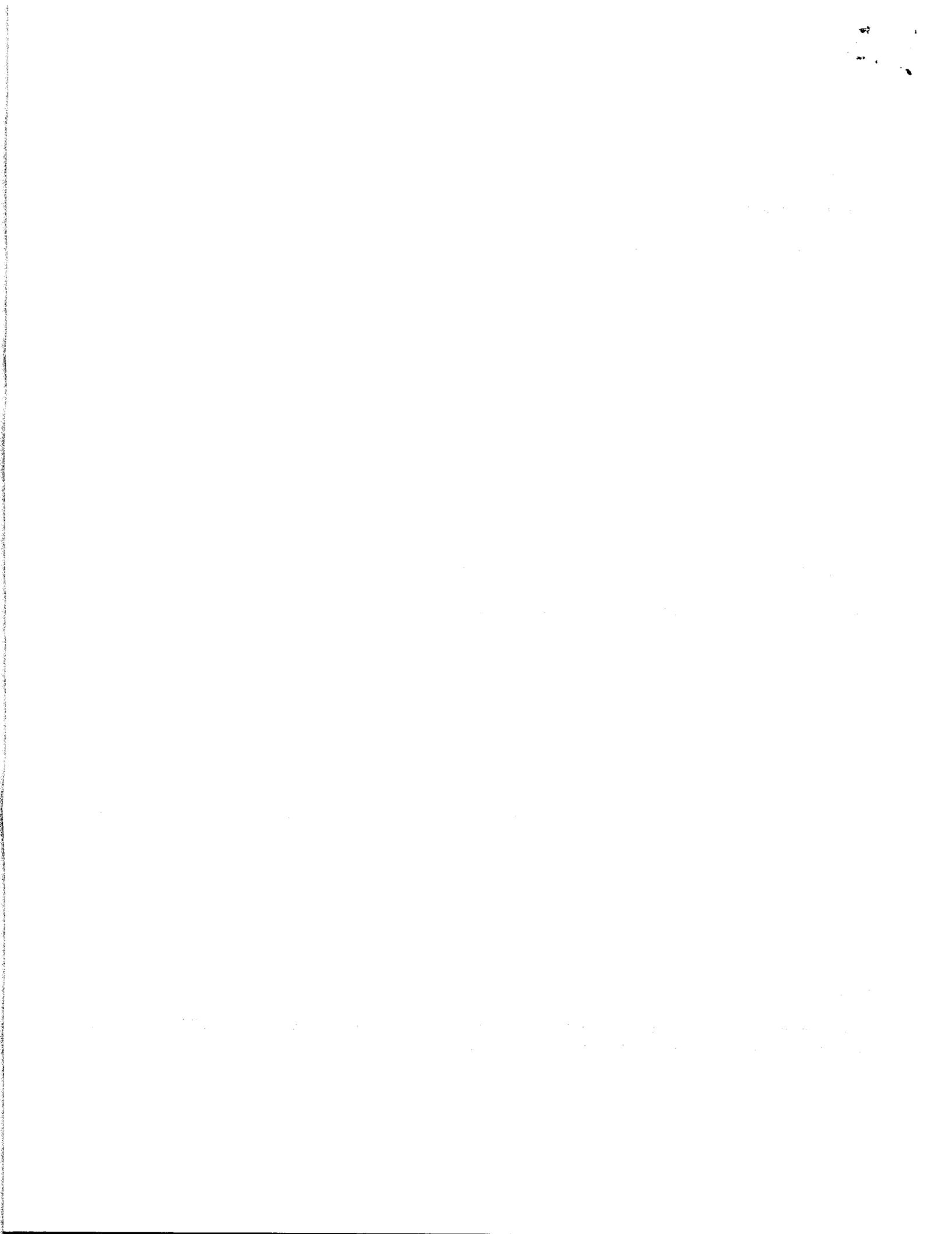
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On March 7, 2019:
Hello,

Be advised your initial request has been received and it will be reviewed in the order in which it was received.



Thank you

On Feb. 20, 2019:

To Whom It May Concern:

Pursuant to the Wisconsin Open Records Act, I hereby request the following records:

Records and materials related to the solicitation, acquisition, and use of face recognition technology and related software and services.

This software or services may be provided by Rekognition, Face++, and FaceFirst; this request is applicable to these and any other company providing facial recognition services under consideration or contract with this agency.

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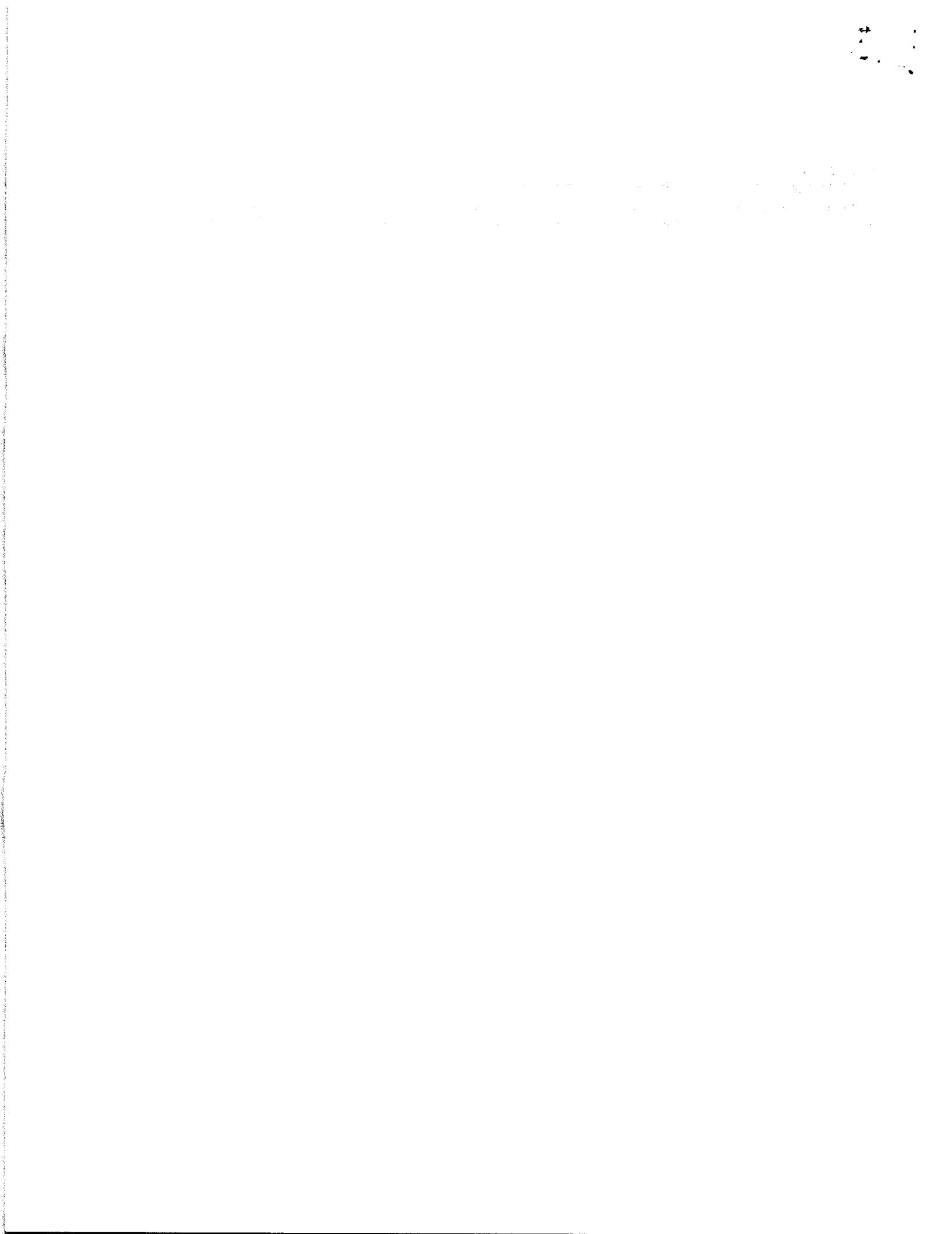
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- Financial records: purchase orders, invoices, and other memoranda and documentation.
- Marketing records: All marketing materials - unsolicited, requested, or otherwise - acquired from vendors of face recognition technology
- Policy records: any policy directives, guidance documents, memoranda, training materials, or similar records governing the use of face recognition technology for immigration, law enforcement, or other purposes.
- Training records: training material governing the use, sharing, or access to any related data related to or collected by the face recognition software/technology, including the legal standard that is required before using the technology
- Use and function records: Materials that describe the function of the software considered or in use by this agency, including emails, handouts, PowerPoint presentations, advertisements, or specification documents.

Please limit the search to records produced from January 1, 2017 – present. Please include in your search as responsive records: communications, memorandums, background papers, meeting minutes, email exchanges, or presentation materials. If your office has questions about this request, please feel free to direct them to the address associated with this request or call the MuckRock office at 617-299-1832.

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In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days.



Sincerely,

Beryl Lipton

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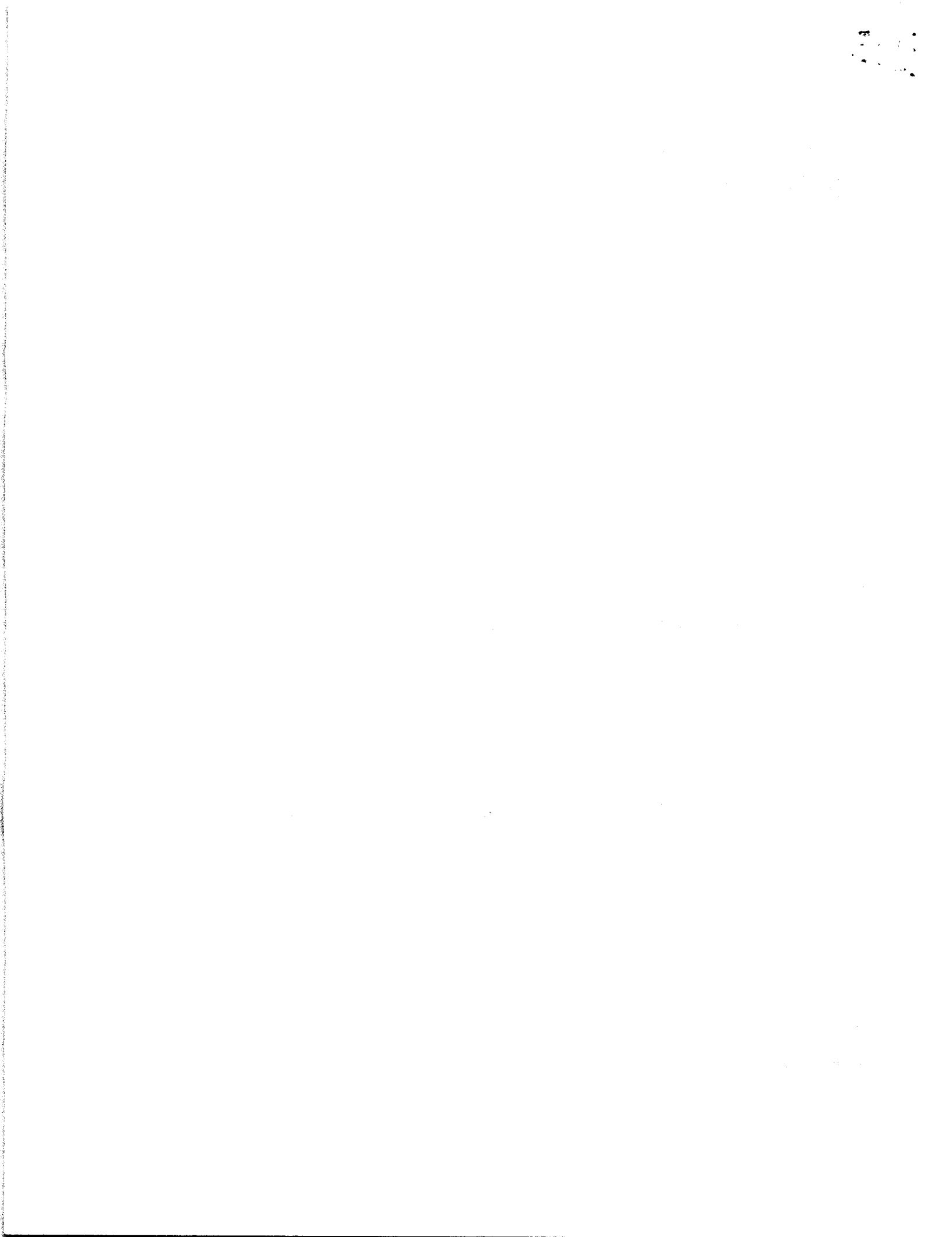
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RE: Wisconsin Open Records Act Request: Facial recognition software and marketing - February 2019 (Milwaukee Police Department)

69525-38032478@requests.muckrock.com

Mon 3/25/2019 4:00 AM

To:Records, Open <mpdopenrecords@milwaukee.gov>;

Milwaukee Police Department
ORA Office
P.O. Box 531
Milwaukee, WI 53210

March 25, 2019

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Wisconsin Open Records Act request, copied below, and originally submitted on Feb. 20, 2019. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (Preferred): 69525-38032478@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/milwaukee-police-department-653/facial-recognition-software-and-marketing-february-2019-milwaukee-police-department-69525/?uuid-login=3104a1b8-5812-4b78-aab1-c0d43322489a&email=mpdopenrecords%40milwaukee.gov#agency-reply

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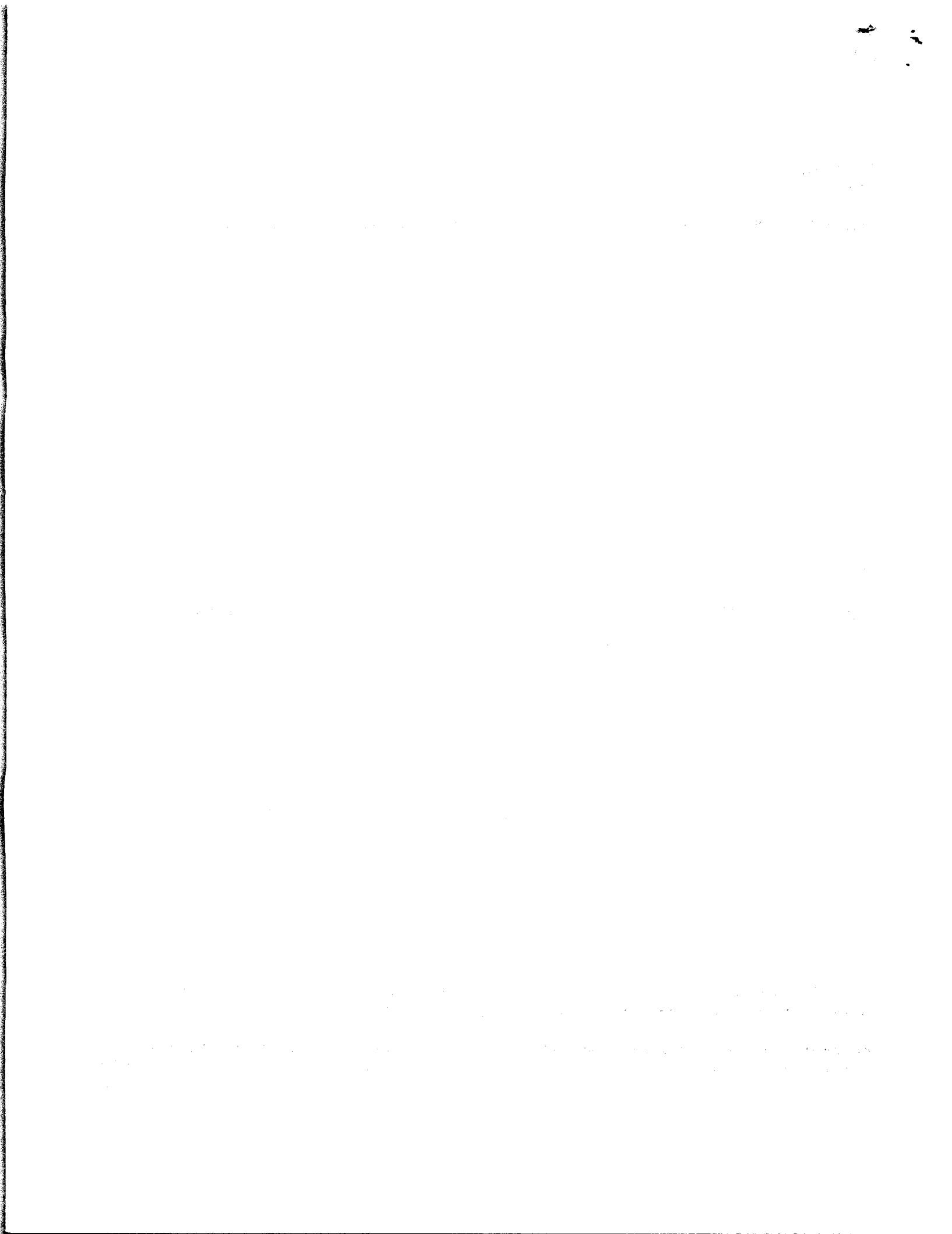
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On March 10, 2019:
Hello!

Thanks so much for the message. I'll look forward to hearing from your office again.



Best wishes,
Beryl

On March 7, 2019:
Hello,

Be advised your initial request has been received and it will be reviewed in the order in which it was received.

Thank you

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